

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
STATESBORO DIVISION

GURPARTAP SINGH TOOR,

Petitioner,

v.

JOSE MORALES, Warden

Defendant.

6:13-cv-48

6:13-cv-51


ORDER

Before the Court is Gurpartap Toor's motion to reopen this case. ECF No. 10. The Court originally dismissed this case because Toor failed to pay the \$5 filing fee. ECF No. 8. Toor now seeks to have the filing fee he paid in another case currently pending applied to this action. *Id.*

In that other case is a Report and Recommendation, ripe for consideration, from the Magistrate Judge counseling dismissal because Toor sought to challenge a state conviction in a 28 U.S.C. § 2241 petition. *See Toor v. Morales*, No. 6:13-cv-51, at ECF No. 16 (S.D. Ga. July 8, 2013). The Court agrees with the Magistrate and **ADOPTS** the R&R as the opinion of the Court. Case number 6:13-cv-51 is **DISMISSED**.

In light of (1) Toor's payment of the filing fee in an action where he improperly challenged a state conviction, and (2) his failure to pay the filing fee in this action, where he properly challenged the same conviction on the same grounds, the Court **GRANTS** Toor's motion to reopen and **WAIVES** the filing fee in *Toor v. Morales*, Case No. 6:13-cv-48.

The 25 day of July, 2013


B. AVANT EDENFIELD, JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA